

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN RE:)	
)	
PROTECH METALS, LLC)	CHAPTER 11
)	CASE NO 23-80078
Debtor(s).)	
_____)	

MOTION TO CONVERT

NOW COMES, Protech Metals, LLC (the “Debtors”), by and through counsel, pursuant to 11 U.S.C. § 1112(a), respectfully requesting that this case be converted to a Chapter 7, and in support thereof, the debtor shows the Court the following:

1. On April 27, 2023 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Title 11 Chapter 11 Subchapter V of the Bankruptcy Code. Daniel C. Bruton is the duly appointed Subchapter V Trustee.

2. Since the filing, the Debtor has operated as a Debtor-In-Possession.

3. This Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 157 and 1334(b). Venue is proper in this District pursuant to 28 U.S.C. § 1409(a).

4. The Debtor is unable to continue operations as a Chapter 11 Debtor, as the Debtor continue to struggle financially to meet its day-to-day financial obligations. Debtor does not believe that it will be feasible to confirm the proposed plan filed with the Court on December 22, 2023.

5. The Debtor ceased operations as of February 2, 2024 and has no further ongoing expenses owed for wages or taxes associated therewith.

6. It is in the best interests of the Debtor and creditors that the case be converted to a Chapter 7.

WHEREFORE, the debtor respectfully request:

1. That the Court enter an Order pursuant to 11 U.S.C. 1112(a) converting the case to a case under Chapter 7 of the United States Bankruptcy Code; and
2. For such other and further relief as the Court deems just and proper.

This the 5th day of February, 2024.

/s/ Erik M. Harvey
Erik M. Harvey, NCSB # 37663
Attorney for Plaintiff
BENNETT & GUTHRIE, PLLC
1560 Westbrook Plaza Drive
Winston-Salem, NC 27103
Telephone: (336) 765-3121
eharvey@bennett-guthrie.com

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the **MOTION TO CONVERT** was served by electronic means and/or first class mail, postage prepaid, to the parties indicated below at their respective addresses as listed below:

John Paul Hughes Cournoyer, Electronically
Bankruptcy Administrator

Daniel C. Bruton, Electronically
Subchapter V Trustee

Rickey Hall
Protech Metals, LLC
Via - rickey@carolina.net

See attached matrix.

This the 5th day of February, 2024.

/s/ Erik M. Harvey
Erik M. Harvey, NCSB # 37663
Attorney for Plaintiff
BENNETT & GUTHRIE, PLLC
1560 Westbrook Plaza Drive
Winston-Salem, NC 27103
Telephone: (336) 765-3121
eharvey@bennett-guthrie.com

AccessHeat, Inc.
913 N. Market Street, Ste 200
Wilmington, DE 19801-3097

LEAF Capital Funding, LLC
c/o Byron L. Saintsing
Smith Debnam
PO Box 176010
Raleigh, NC 27619-6010

Protech Metals, LLC
PO Box 1925
Pinehurst, NC 28370-1925

Rev Capital (California) Inc.
PAHL & McCAY
Catherine Schlomann Robertson, Esq.
225 West Santa Clara Street
Suite 1500
San Jose, CA 95113-1752

Durham
P.O. Box 26100
Greensboro, NC 27402-6100

ADP
5800 Windward Pkwy
MS B301
Alpharetta, GA 30005-8881

ADP INC
1851 N. Resler
El Paso, TX 79912-8023

AirGas
1510 Hawkins Ave
Sanford, NC 27330-3326

AirGas USA 22c
2015 Vaughn Rd NW Suite 400
Kennesaw GA 30144-7802

Alro Steel
7966 National Service Rd
Greensboro, NC 27409-9416

Alro Steel Corporation
3100 E High Street
Jackson, MI 49203-6413

AmeriGas
117 Industrial Park Dr
Biscoe, NC 27209-8096

Atlas Copco Compressors
300 Technology Rd, Ste. 550
Rock Hill, SC 29730-0175

Brian R. Anderson
Fox Rothschild LLP
230 N. Elm Street, Suite 1200
Greensboro, NC 27401-2436

Brightspeed Broadband, LLC
1120 S. Tryon St.
Suite 700
Charlotte, NC 28203-6820

Brightspeed Broadband, LLC
Attn: Reba Culbertson
100 Century Link Dr.
Monroe, LA 71203-2041

Carolina Business XChange LLC
d/b/a Sunbelt Business Brokers of Durham
4819 Emperor Blvd, Ste 400
Durham, NC 27703-5420

Catherine Schlomann Robertson, Esq.
Attorney for Secured Creditor
Rev Captial(California) Inc.
225 West Santa Clara Street, Ste. 1500
San Jose, CA 95113-1752

Cintas
2703 Aviation Pkwy
Fayetteville, NC 28306-3328

Corporation Services Co.
P.O. Box 2576
Springfield, IL 62708-2576

DeHaan & Bach
25 Whitney Dr, #106
Loveland, OH 45140

Dillon Supply
440 Civic Blvd
Raleigh, NC 27610-2967

Duke Energy Of the Carolinas
PO Box 1094
Charlotte, NC 28201-1094

Duke Energy Progress LLC
Mary M. Caskey, Esq.
Haynsworth Sinkler Boyd, PA
PO Box 11889
Columbia, SC 29211-1889

Employment Security Commission
PO Box 26504
Raleigh, NC 27611-6504

Erie Insurance
100 Erie Ins. Place
Erie, PA 16530-9000

Express Employment Pro
PO Box 945434
Atlanta, GA 30394-5434

Fastenal Company
2001 Theurer Blvd.
Attn: Legal
Winona, MN 55987-9902

Fields Plumbing & Heating Company Inc
7718 NC Hwy 22
Carthage, NC 28327

First Bank
PO Box 10589
Greensboro, NC 27404-0589

Internal Revenue Service
Centralized Insolvency
PO Box 7346
Philadelphia, PA 19101-7346

John James
2929 Allen Parkway
Suite 3300
Houston, TX 77019-7112

LEAF Capital Funding LLC
Brian Kestenbaum, Senior Vice President
2005 Market Street
Philadelphia, PA 19103-7012

LEAF Capital Funding, LLC
2005 Market St., 14th Floor
Philadelphia, PA 19103-7009

Legend Advance Funding II LLC
19790 W Dixie Highway
Suite 301
Miami, FL 33180-2293

Mary M. Caskey, Esq.
Haynsworth Sinkler Boyd, PA
PO Box 11889
Columbia, SC 29211-1889

McNeill Oil & Propane
PO Box 396
Aberdeen, NC 28315-0396

(p)MOORE COUNTY TAX DEPARTMENT
PO BOX 457
CARTHAGE NC 28327-0457

Myra Hall
9391 Aberdeen Rd
Aberdeen, NC 28315-7747

NC Department of Revenue
PO Box 25000
Raleigh, NC 27640-0002

NC Dept of Revenue
PO Box 1168
Raleigh, NC 27602-1168

NC Quick Pass Customer Service
P.O. Box 71116
Charlotte, NC 28272-1116

Northern Safety Co., Inc.
PO Box 4250
Utica, NY 13504-4250

NowAccount Network Corporation
6120 Powers Ferry Rd NW, Ste 350
Atlanta, GA 30339-2951

Quick Fi - Innovation Finance
PO Box 23294
New York, NY 10087-3294

Rev Capital (California) Inc.
Catherine Schlomann Robertson
Pahl & McCay, 225 W. Santa Clara Street,
Suite 1500
San Jose, CA 95113

Rockingham NC Self Storage
102 E. Green St.
Rockingham, NC 28379-3420

Ruth Berenstein
27 Robin Rd, Apt D
Eastampton Township, NJ 08060-3343

Ruth Berenstein
27 Robin Rd, Apt D
Mount Holly, NJ 08060-3343

SOUTHEASTERN TOOL & DIE, INC.
JIMMY THOMPSON
105 TAYLOR STREET
ABERDEEN, NC 28315-2026

Southeastern Tool & Die
105 Taylor st
Aberdeen, NC 28315-2026

Spectrum
P.O. Box 6030
Carol Stream, IL 60197-6030

Sunbelt
P.O. Box 409211
Atlanta, GA 30384-9211

The Sherwin-Williams Company
c/o Michael B. Bach, Authorized Agent
25 Whitney Drive, Suite 106
Milford, OH 45150-8400

Thomas M. Van Camp
Van Camp, Meacham & Newman
PO Box 1389
Pinehurst, NC 28370-1389

Tim Hamilton
1325 S. Pitkin Ave
Louisville, CO 80027-8131

US Attorney's Office
101 South Edgeworth St, 4th floor
Greensboro, NC 27401-6045

Uline
12575 Uline Drive
Pleasant Prairie, WI 53158-3686

WRH Holdings, LLC
9391 Aberdeen Rd
Aberdeen, NC 28315-7747

Daniel C. Bruton
Bell, Davis & Pitt, P.A.
600 Century Plz.
100 N. Cherry St.
P. O. Box 21029
Winston-Salem, NC 27120-1029

Erik Mosby Harvey
Bennett Guthrie PLLC
1560 Westbrook Plaza Drive
Winston-Salem, NC 27103-1328

John Paul Hughes Cournoyer
U.S. Bankruptcy Administrator
101 South Edgeworth Street
Greensboro, NC 27401-6026